

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UBS REAL ESTATE SECURITIES INC.,

Plaintiff,

-against-

SILVER STATE FINANCIAL SERVICES,  
INC. d/b/a SILVER STATE MORTGAGE,

Defendant.

Case No.: 07 Civ. 3702 (MGC)

ECF Case

**NOTICE OF MOTION FOR  
DEFAULT JUDGMENT**

PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b), upon the accompanying Declaration of Brian Bowes, dated October 25, 2007, and attached exhibit, the accompanying Declaration of Joel M. Miller, dated October 25, 2007, and attached exhibits, and all other pleadings and proceedings herein, plaintiff UBS Real Estate Securities Inc. will move this Court (Hon. Miriam Goldman Cedarbaum) at the United States Courthouse, 500 Pearl Street, New York, New York, on the 29th day of November, 2007 (in place of a return date of November 22, 2007, which is Thanksgiving Day and the Court will be closed), at 9:30 a.m., for a judgment by default against defendant Silver State Financial Services, Inc. d/b/a Silver State Mortgage, in the amount of \$2,932,374.39 (not including interest to date from October 19, 2007 at the per diem rate of \$719.34), which amount consists of \$2,917,317 in damages and \$15,507.39 in reasonable costs, attorneys' fees and expenses incurred in connection with this action.

Attached hereto as Exhibit 1 is the proposed form of default judgment.

PLEASE TAKE NOTICE THAT answering papers, if any, must be received by plaintiff by November 21, 2007, by noon.

Dated: October 25, 2007

MILLER & WRUBEL P.C.

By: /s Joel M. Miller

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Henderson, Nevada 89014

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
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**DEFAULT JUDGMENT**

This action having been commenced on May 10, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on defendant Silver State Financial Services, Inc. d/b/a Silver State Mortgage, on May 15, 2007, by personal service on Marika Hymer, an agent authorized to receive service for defendant, and proof of such service having been filed on May 24, 2007, and the defendant not having answered or otherwise responded to the Complaint, and the time for answering or otherwise responding to the Complaint having expired, it is

ORDERED, ADJUDGED, AND DECREED: That the plaintiff UBS Real Estate Securities Inc. have judgment against defendant Silver State Financial Services, Inc. d/b/a Silver State Mortgage in the liquidated amount of \$2,917,317 with interest at \$719.34 per diem from October 19, 2007 through \_\_\_\_\_, 2007 amounting to \$\_\_\_\_\_, and attorneys' fees and costs in the amount of \$15,507.39, amounting in all to \$\_\_\_\_\_, and it is further

ORDERED that within thirty (30) days following payment in full of the amount awarded by this Default Judgment, UBS shall return to Silver State the Mortgage Loans listed in the Complaint.

Dated: New York, New York  
\_\_\_\_\_, 2007

\_\_\_\_\_  
Hon. Miriam Goldman Cedarbaum, U.S.D.J.